



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION**

GERALD DAMONE HOPPER,  
Plaintiff,

vs.

FEDERAL BUREAU OF PRISONS,  
S.E. REGIONAL OFFICE, and FCI ESTILL,  
Defendants.

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CIVIL ACTION 5:18-01223-MGL-KDW

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING PLAINTIFF'S ADA AND RA DAMAGES CLAIMS  
WITH PREJUDICE**

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Plaintiff Gerald Damone Hopper (Hopper) filed this as a *Bivens* action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Hopper's Americans with Disabilities Act (ADA) and Rehabilitation Act (RA) damages claims be dismissed with prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 5, 2018, but Hopper failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case employing the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court Hopper’s Americans with Disabilities Act (ADA) and Rehabilitation Act (RA) damages claims are **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

Signed this 7th day of August, 2018, in Columbia, South Carolina.

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s/ Mary Geiger Lewis  
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MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Hopper is hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.